

3:24-mj-00195

DISTRICT OF OREGON, ss:

AFFIDAVIT OF DON BUFFINGTON

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Don Buffington, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I have been employed as a Special Agent (SA) by the U.S. Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI) since May 2006. I am currently assigned to the child exploitation unit in the HSI office in Portland, Oregon. Previously, I was assigned to the Department of Homeland Security, Center for Countering Human Trafficking, as a National Program Manager in the Forced Labor in the Supply Chain and Continued Presences Sections. Prior to that I was assigned to the HSI office in San Diego, California, where I worked for over eleven years as a Computer Forensic Agent, and over five years as an agent in the child exploitation group. From February 2003 until May 2006, I was employed with the Immigration and Customs Enforcement as an Information Technology Manager. In 2024, I transferred to HSI Portland and began conducting child exploitation and human trafficking investigations. My formal law enforcement training includes successfully completing the Federal Law Enforcement Training Center's Criminal Investigator Training Program, US Immigration and Customs Enforcement Special Agent Training Course and Computer Network Investigation Training Program. During my training, I learned how to conduct child exploitation investigations. As an agent in the child exploitation group I was also a member of the San Diego Internet Crimes Against Children (ICAC) Task Force. This task force includes members of the San Diego Police Department, San Diego County Sheriff's Department, U.S. Postal Inspection Service, Federal Bureau of Investigation, Naval Criminal Investigative Service, U.S. Attorney's Office and the San Diego County District Attorney's

Office. I have been involved in many child exploitation investigations and have assisted both federal and state partners during their investigations. As such, I have become familiar with ways that child pornography is shared, distributed, and/or produced, including the use of various social media websites (Facebook, Twitter, Kik, Snap Chat, Discord, etc.), “cloud” based storage, and peer-to-peer (P2P) networks. Often, individuals involved in child exploitation will collect or store images and/or videos on various media devices they keep at their residences, or in offsite locations such as “cloud” based storage. I have also become familiar with jargon or slang terms that people involved in child exploitation will use to discuss their activities.

2. I have worked with agents involved in numerous investigations involving the sexual exploitation of children or the distribution, receipt, and possession of child pornography. I have participated in searches of premises and assisted in gathering evidence pursuant to search warrants, including search warrants in multiple child pornography investigations. I have participated in interviews of persons who possess and distribute child pornography.

3. I submit this affidavit in support of a criminal complaint and arrest warrant for **Jack SCHIVELEY** for violations of *18 U.S.C. § 2251(a)* – Sexual Exploitation of Children and *18 U.S.C. § 2252A(a)(2)* – Distribution of Child Pornography, referred to as the “**Target Offenses**.” As set forth below, I have probable cause to believe that **SCHIVELEY** committed the **Target Offenses** between on or about January 1, 2016, and on or about December 31, 2017, and on September 2, 2024.

4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement

officers, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

5. *Title 18, United States Code, Sections 2251(a) and (e)* make it a crime for any person to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, if such person knows or has reason to know that the visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if the visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or to attempt to do so.

6. *Title 18, United States Code, § 2252A(a)(2)* makes it a crime to knowingly receive or distribute any child pornography that has been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

7. The term “child pornography” is defined in 18 U.S.C. § 2256(8). “Child pornography,” as defined in 18 U.S.C. § 2256(8), includes any visual depiction of a child under the age of 18 years engaging in sexually explicit conduct. “Sexually explicit conduct” is defined in 18 U.S.C. § 2256(2) and includes sexual intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between members of the same or opposite sex;

bestiality; masturbation; sadistic or masochistic abuse; and the lascivious exhibition of the genitals, anus, or pubic area of any person.

Background on Kik Messenger

8. Kik advertises itself as “the first smartphone messenger with a built-in browser.” Kik Messenger allows users to “talk to your friends and browse and share any web site with your friends on Kik.” According to their website, Kik Messenger, a free service easily downloaded from the Internet, has become the simplest, fastest, most life-like chat experience you can get on a smartphone. Unlike other messengers, Kik usernames - not phone numbers - are the basis for Kik user accounts, so Kik users are in complete control of with whom they communicate. In addition, Kik users can exchange images, videos, sketches, stickers and even more with mobile web pages.

9. The Kik app is available for download via the App Store for most iOS devices such as iPhones and iPads and is available on the Google PlayStore for Android devices. Kik can be used on multiple mobile devices, to include cellular phones and tablets.

10. In general, providers like Kik ask their subscribers to provide certain personal identifying information when registering for an account. This information can include the subscriber’s full name, physical address, and other identifiers such as an e-mail address. However, Kik does not verify that information. Kik also retains certain transactional information about the creation and use of each account on their systems, including the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account, and other log files that reflect usage of the account.

11. Kik offers users the ability to create an identity within the app referred to as a “username.” This username is unique to the account and cannot be changed. No one else can utilize the same username. A Kik user would have to create a new account in order to obtain a different username. The username for a particular Kik account holder is generally displayed in their Kik profile.

12. Given the ability for users to create multiple accounts that are not linked to a specific mobile device (i.e. a phone number), it has become a popular app used by people involved in the collection, receipt, and distribution of child pornography.

Statement of Probable Cause

Interpol Manchester Conducts Undercover Activity on Kik Messenger

13. On September 2, 2024, an Interpol Manchester undercover agent (UCA) was on Kik messenger conducting online activity in a chatroom dedicated to the distribution of child pornography and the discussion of the sexual abuse of children. The purpose of the undercover agent’s online activity was to attempt to identify victims of child exploitation activity and/or identify suspects involved in the possession and distribution of child pornography. While monitoring a Kik chatroom titled “Dau creep,” the UCA observed that user ringmasta_ posted “M36, step dad here.” The UCA then initiated a direct chat with ringmasta_. The chat messages are transcribed in relevant part below:

UCA: Hows it going
 ringmasta_: Hey great Man U
 UCA: All.good
 Asl
 From dau creep
 ringmasta_: M36usa
 U
 UCA: M41uk
 ringmasta_: Hot!
 U fuck any one?

UCA: Dau

U

ringmasta_: My daughter as well

User ringmasta_ then sent an image of a clothed pubescent female with long, brown hair (later identified as “Minor Victim 1”). ringmasta_ then sent multiple media files containing child pornography. For example, ringmasta_ sent an image and a 20-second video, which both appear to depict a pubescent female child. In the image, the child is wearing only a shirt, lying on her back on a bed with pink sheets and spreading her vagina, which is the focus of the image. In the video, the child is wearing only a shirt and is masturbating. ringmasta_ also sent two 30-second videos, which appear to both depict another pubescent female child (later also identified as Minor Victim 1). In the first video (**Video 1**), the child is in the process of getting dressed in a bathroom and is wearing only pants. In the second video (**Video 2**), the same child is preparing to shower in the same bathroom, and her breasts and pubic area and genitals are visible. These two videos appear to be surreptitiously recorded, as the child does not seem to notice or be aware of the camera. Grey-and-black patterned curtains are visible in the background of both videos. Investigators compared the videos to the clothed images of the child whom ringmasta_ claimed was his daughter and found that they appeared to depict the same child.

User ringmasta_ then posted a 29-second video (**Video 3**) that depicts a pubescent female child naked in a bathroom. Based on the angle of the video, it appears to have been captured using a device hidden on the floor of the bathroom. Like **Videos 1** and **2**, **Video 3** appears to be a surreptitious recording, as the naked child moves around without looking at the camera or covering herself. The child’s breasts and genitals are briefly

visible during the video. However, because of the angle, it is not immediately apparent whether the child or location depicted in **Video 3** are the same as in **Videos 1** and **2**.

User ringmasta_ posted a second image of Minor Victim 1. The chat continued:

UCA: Mmmm she's hot

How oldnwen u start fucking her

Mines 9

ringmasta_: She was 11

She 16 now

I also have a toddler that I play with

Was playing with a boy but they moved sadly

UCA: What u done wiv the babe

ringmasta_: [posted a 14-second video depicting a naked prepubescent female child being anally penetrated by an adult male]. Fucked!!

UCA: No way

Does the babes mum no?

ringmasta_: Nooooo

U have pics

U fuck urs at 4yo ? Sexy

In response to the UCA's brief description of his fictitious sexual abuse of his purported nine-year-old daughter, ringmasta_ sent the following messages:

ringmasta_: So sexy!

Love breaking in a young one

Just gotta do it!!

I started with finger then worked in my cock

Lots of lube

HSI Identifies SCHIVELEY and the Subject Premises

14. On September 3, 2024, UK Police obtained subscriber information for Kik user ringmasta_, which yielded email address schivjack@icloud.com and an IP log with addresses that resolve to Portland, Oregon.

15. A query of open source information for the email address resulted in a Duolingo account with the username Jack Schiveley and a profile photo depicting an adult male with facial hair.

16. Investigators also learned that the email address schivjack@icloud.com is also affiliated with a Cash App account with username Jakitup253 and name Jack Schiveley. The profile photo shows a likeness to the profile image for Duolingo.

17. Jack **SCHIVELEY** possesses a suspended Oregon driver license listing his address as 11620 SE Division Street, Apt. 67, in Portland, Oregon (the **Subject Premises**). The photo associated with his driver license appears to depict the same person depicted in the profile images for the Duolingo account and the Cash App account.

18. A query of social media located a Facebook profile for Jack **SCHIVELEY** residing in Portland, Oregon. The profile states that **SCHIVELEY** is in a relationship with a woman (“Partner 1”). A review of the photos from the Facebook profile located several posts containing images of a female toddler.

19. A review of the Facebook profile for Partner 1 located additional images of the same female toddler seen in posts on **SCHIVELEY’s** profile. Further review of law enforcement databases and public records identified a younger female relative of Partner 1 (“Minor Victim 1”), who is a young adult. Investigators compared Minor Victim 1’s driver license photograph with the images of the clothed pubescent child and the child in **Videos 1** and **2** and found that they appear to depict the same person.

20. On September 3, 2024, pursuant to an exigent request, Kik messenger provided basic subscriber records for user “ringmasta_”, which included IP connectivity logs. The connectivity logs showed 16 IP connections to the Kik account “ringmasta_” on September 2, 2024, using the IP address 73.240.250.49. This IP address was subscribed to an apartment at “White Willow Apartments” apartment complex, specifically, 11620 SE Division Street, Apt 67,

Portland, OR 97266 (**Subject Premises**). The **Subject Premises** are also listed as **SCHIVELEY**'s address in the Oregon Department of Motor Vehicles driver license database.

HSI Executes Search Warrant at the Subject Premises

21. On September 6, 2024, HSI executed a federal search warrant at the **Subject Premises** and detained **SCHIVELEY**. Also present at the residence were **SCHIVELEY**'s partner, his adult stepson, and a toddler girl. **SCHIVELEY** identified an Apple iPhone sitting on the living room table as his cell phone.

22. **SCHIVELEY** was advised of his Miranda rights and agreed to speak with investigators.¹ He admitted to using the username "ringmasta" on Kik Messenger for approximately the last nine months. **SCHIVELEY** stated that he was currently in approximately three separate groups related to the sexual exploitation of children. He further admitted to sending child pornography to other users on Kik in order to receive child pornography in exchange.

23. When asked about **Videos 1, 2, and 3**, **SCHIVELEY** stated that he recorded all three videos in approximately 2016 or 2017, when Minor Victim 1 was about 15 years old. **SCHIVELEY** stated that the videos depicted Minor Victim 1 and were recorded at his former residence in Gresham, Oregon. He claimed that all three videos were created from a single recording that he separated into multiple clips. He stated that he created them using a phone concealed in the bathroom. **SCHIVELEY** denied ever masturbating to the videos but admitted that he had sexual fantasies involving Minor Victim 1. He claimed that those sexual desires abated when he became more of a "father figure" to Minor Victim 1. However, **SCHIVELEY**

¹ The interview of **SCHIVELEY** was audio-recorded. This affidavit was prepared from memory and may differ slightly from the exact statements made by **SCHIVELEY**.

admitted that he still had the videos of Minor Victim 1 saved to his Apple iCloud account, as well as in a hidden folder on his iPhone. He further admitted that he had distributed the images of Minor Victim 1 to approximately three dozen people on the internet.

24. Investigators then brought up the chat communications between **SCHIVELEY** and the undercover officer in the United Kingdom. **SCHIVELEY** confirmed that he was the author of those chats and that he sent the videos of child pornography to the undercover officer. However, he denied ever sexually abusing a child, despite his claims in the chats about raping a toddler.

25. **SCHIVELEY** provided investigators the passcode to unlock his phone and access the PIN-protected hidden folder within the “Photos” application. During a manual review of the hidden folder, investigators observed at least six videos that depicted child pornography. The videos had been saved to **SCHIVELEY**’s phone between August 27 and September 2, 2024. For example, investigators observed two separate videos, each of which depicted a prepubescent girl (a different child in each video), approximately seven to nine years old, performing oral sex on an adult male. The two videos were saved to **SCHIVELEY**’s phone on August 27, 2024, at 9:43 pm and September 1, 2024, at 12:42 pm. Additionally, several images and videos that appeared identical or very similar to **Videos 1, 2, and 3** were located in the hidden folder.

26. During the search, investigators located two spy cameras with SD cards. A full forensic review of these devices, as well as **SCHIVELEY**’s phone and other electronic devices seized from the residence, is ongoing.

27. **SCHIVELEY** was arrested for committing the **Target Offenses** and transported to the Multnomah County Detention Center pending his initial appearance in federal court.

Conclusion

28. Based on the foregoing, I have probable cause to believe that **Jack SCHIVELEY** committed violations of *18 U.S.C. § 2251(a)* – Sexual Exploitation of a Child and *18 U.S.C. § 2252A(a)(2)* – Distribution of Child Pornography (**Target Offenses**). I therefore respectfully request that the Court issue a criminal complaint and arrest warrant charging **SCHIVELEY** with these offenses.

29. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Mira Chernick. AUSA Chernick advised me that in her opinion, the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.

(By telephone)

DON BUFFINGTON

Special Agent

Homeland Security Investigations

Sworn to before me telephonically or by other reliable means pursuant to Fed. R. Crim.

P. 4.1 at 9:35 am/pm on September 6, 2024.



HONORABLE STACIE F. BECKERMAN
United States Magistrate Judge